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12 ATTORNEYS FOR DEFENDANTS  
CITY OF OAKLAND, TUCKER and POWELL

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

26 It is hereby STIPULATED by and between the parties, through their respective attorneys  
27 of record and pending Order of this Court, that the date set by this Court for hearing of  
28 defendants' Motion for Summary Judgment for September 21, 2007 be vacated pending the

1 parties settlement negotiations, and that the Court set a Case Management Conference in ninety  
2 (90) days.

3 Good cause exists for vacating the hearing date as the parties are currently engaged in  
4 settlement discussions which may obviate the need for defendants' motion. The parties went  
5 through ADR and completed an ENE session on June 6, 2007. They have been diligently  
6 pursuing discovery with the plaintiff propounding discovery and defendants' production of  
7 hundreds of documents to date. At present, depositions of the plaintiff as well as those of  
8 defendants and City personnel, which are necessary for making and opposing the stated motion,  
9 have been noticed but will be stayed if the Court issues an order to vacate the hearing date, to  
10 enable further settlement negotiations.

11 The parties agree that they need additional time to exhaust attempts at resolution of the  
12 case through informal means at this time, and that this stipulation and request for an Order from  
13 the Court to vacate the pending hearing date is made in the spirit of cooperation and of  
14 conserving attorney as well as judicial resources. Should the negotiations fail, the parties will  
15 resume the taking of depositions and defendants will file their Motion for Summary Judgment  
16 as previously planned.

17 To this end, the parties request that the Court continue the matter for a Case  
18 Management Conference in ninety (90) days.

19 Dated: August 7, 2007

20 MOSLEY & GEARINGER  
21 STEPHEN F. HENRY, ESQ.

22 By: /s/ Stephen Henry  
23 Stephen F. Henry  
24 Attorneys for Plaintiff

25 Dated: August 7, 2007

26 OAKLAND CITY ATTORNEY'S OFFICE

27 By: /s/ Inés Vargas Fraenkel  
28 Inés Vargas Fraenkel  
Attorneys for Defendants

## ORDER

Pursuant to stipulation of the parties and good cause appearing therefore, it is hereby ordered that the hearing date for Defendants Motion for Summary Judgment of September 21, 2007, is hereby vacated. A Case Management Conference shall take place on Nov. 09, 2007, at 8:30 am. The parties shall file a Joint Case Management Conference Statement by Nov. 02, 2007.

IT IS SO ORDERED.

Dated: August 8, 2007

